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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,050	09/19/2000	Mark Anderson	MBHB00,648	5666

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EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/13/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,050

Applicant(s)

ANDERSON ET AL.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 10-14 and 19-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because:
 - a. It exceeds the maximum allowed number of words.
 - b. The phrase "Disclosed are" is unnecessary.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-9, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (USPN 5,475,819).
5. Regarding claim 1, Li et al. (USPN 6,012,088) teach a system for automatically configuring a client device with means for:

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- a. Selecting a service provider by a user on the client device (*user enters telephone number of a network access server of an Internet Service Provider*) (figure 10, element 604).
- b. Accessing the service provider by the client device and providing user information data to the service provider (*the customer enters the encrypted registration ID...local telephone number*) (figure 10, elements 602, 608; column 11, lines 54-57).
- c. Providing by the service provider to the client device configuration data (*download that configuration record*) (column 12, lines 43-46).
- d. Configuring the client device based on the configuration data (*automatically configure itself*) (column 12, lines 43-48).

Although the system disclosed by Li et al. (USPN 6,012,088) shows substantial features of the claimed invention, it fails to disclose means wherein the user selects the service provider from a plurality of service providers.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Li et al. (USPN 6,012,088), as evidenced by Miller et al. (USPN 5,475,819).

In an analogous art, Miller et al. (USPN 5,475,819) discloses a system for the use of configuration files in selecting a service wherein the user selects the service provider from a plurality of service providers (figure 1; column 6, lines 4-12).

Given the teaching of Miller et al. (USPN 5,475,819), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Li et al.

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(USPN 6,012,088) by employing the ability to select from a number of service providers. This would benefit the system by allowing users to select a more advantageous service provider that may alleviate the need for a long distance dial in number.

6. Regarding claim 2, Li et al. (USPN 6,012,088) teach all the limitations as applied to claim 1. They further teach means wherein the user information data comprises user identification data (column 10, lines 30-31).

Although the system disclosed by Li et al. (USPN 6,012,088) shows substantial features of the claimed invention, it fails to disclose means wherein the user information includes user location data.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Li et al. (USPN 6,012,088).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Li et al. (USPN 6,012,088) by employing the submission of user location data to the service provider. This would benefit the system by allowing the service provider to inform the user of local access points to help them avoid long distance access calls.

7. Regarding claim 4, although the system disclosed by Li et al. (USPN 6,012,088) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein a format for the user information is the same for each of the plurality of service providers.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Li et al. (USPN 6,012,088), as evidenced by Miller et al. (USPN 5,475,819).

In an analogous art, Miller et al. (USPN 5,475,819) discloses a system for the use of configuration files in selecting a service wherein a format for the user information is the same for each of the plurality of service providers (column 4, lines 25-30).

Given the teaching of Miller et al. (USPN 5,475,819), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Li et al. (USPN 6,012,088) by employing a common user information format. This benefits the system by allowing new service providers to integrate into the system without needing to change the user information submission process.

8. Regarding claim 5, Li et al. (USPN 6,012,088) teach all the limitations as applied to claim 1. They further teach means wherein the step of accessing the service provider comprises accessing a server associated with the service provider (figure 8, Configuration Server).

9. Regarding claim 6, Li et al. (USPN 6,012,088) teach all the limitations as applied to claim 5. They further teach means wherein accessing the server associated with the service provider comprises a URL query (column 13, lines 34-35).

10. Regarding claim 7, Li et al. (USPN 6,012,088) teach all the limitations as applied to claim 1. They further teach means wherein the configuration data comprises server data (column 18, line 41), communication data (column 18, line 45), and user login data (column 18, lines 48-49).

11. Regarding claim 9, Li et al. (USPN 6,012,088) teach all the limitations as applied to claim 1. They further teach means for storing in a memory unit of the client device the configuration data (column 12, line 46).

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12. Regarding claim 15, Li et al. (USPN 6,012,088) teach a system for automatically configuring a client device with means to:

- a. Query a user for a service provider (column 11, lines 54-57).
- b. Query the user for user information data (column 11, lines 54-57).
- c. Send the user information data to a service provider selected by the user (figure 10, elements 602, 608; column 11, lines 54-57).
- d. Receive the configuration data from the service provider selected by the user (column 12, lines 43-46).
- e. Use the received configuration data to configure internal application (column 12, lines 43-48)
- f. Establish a communication session with the service provider selected by the user using the received configuration data (abstract; column 14, lines 41-49).
- g. The plurality of service providers in communication with the client device, each service provider arranged to send the configuration data to the client device upon a receipt of the user information data from the client device (column 12, lines 43-46; column 52-54). Note that the local access point is used, there are multiple access points for the service providers.

Although the system disclosed by Li et al. (USPN 6,012,088) shows substantial features of the claimed invention, it fails to disclose means wherein the user selects the service provider from a plurality of service providers.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Li et al. (USPN 6,012,088), as evidenced by Miller et al. (USPN 5,475,819).

In an analogous art, Miller et al. (USPN 5,475,819) discloses a system for the use of configuration files in selecting a service wherein the user selects the service provider from a plurality of service providers (figure 1; column 6, lines 4-12).

Given the teaching of Miller et al. (USPN 5,475,819), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Li et al. (USPN 6,012,088) by employing the ability to select from a number of service providers. This would benefit the system by allowing users to select a more advantageous service provider that may alleviate the need for a long distance dial in number.

13. Regarding claim 16, Li et al. (USPN 6,012,088) teach all the limitations as applied to claim 15. They further teach means wherein the client device is further arranged to send the user information data to one of the plurality of service providers in a first data structure, and the plurality of service provider is further arranged to send the configuration data to the client device in the first data structure (figures 11a, 11b). Note that in the reference, both send textual data using a point-to-point protocol.

14. Regarding claim 18, Li et al. (USPN 6,012,088) teach all the limitations as applied to claim 16. They further teach means wherein the plurality of service providers is arranged to communicate in the first data structure (figures 11a, 11b).

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15. Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (USPN 6,012,088) and Miller et al. (USPN 5,475,819) as applied to claims 1 and 16, respectively above, and further in view of Young (USPN 6,560,606).

16. Regarding claim 3, although the system disclosed by Li et al. (USPN 6,012,088) and Miller et al. (USPN 5,475,819) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the user information data comprises an XML data stream.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Li et al. (USPN 6,012,088) and Miller et al. (USPN 5,475,819), as evidenced by Young (USPN 6,560,606).

In an analogous art, Young (USPN 6,560,606) discloses a system for configuration of network devices wherein configuration information is sent using an XML data stream (column 10, lines 4-14).

Given the teaching of Young (USPN 6,560,606), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Li et al. (USPN 6,012,088) and Miller et al. (USPN 5,475,819) by employing the use of XML to send user identification data. This benefits the system because XML is a flexible standard that can be utilized by a wide range of network accessible devices without major customization.

17. Regarding claim 17, although the system disclosed by Li et al. (USPN 6,012,088) and Miller et al. (USPN 5,475,819) (as applied to claim 16) shows substantial features of the claimed invention, it fails to disclose means wherein the first data structure is an XML data structure.

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Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Li et al. (USPN 6,012,088) and Miller et al. (USPN 5,475,819), as evidenced by Young (USPN 6,560,606).

In an analogous art, Young (USPN 6,560,606) discloses a system for configuration of network devices wherein the data structure is an XML data structure (column 10, lines 4-14).

Given the teaching of Young (USPN 6,560,606), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Li et al. (USPN 6,012,088) and Miller et al. (USPN 5,475,819) by employing the use of XML to send configuration data. This benefits the system because XML is a flexible standard that can be utilized by a wide range of network accessible devices without major customization.

Allowable Subject Matter

18. Claims 10-14 and 19-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Britton et al. (USPN 6,535,896) teach a system for the conversion of html to XML.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone numbers for the


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organization where this application or proceeding is assigned are (703)746-9242 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton
Examiner
Art Unit 2153

ksp
August 11, 2003



KRISNA LIM
PRIMARY EXAMINER